

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TEVA PHARMACEUTICALS USA, INC.,
TEVA PHARMACEUTICALS INDUSTRIES,
LTD., and NOVAPHARM, LTD.,

Counterclaim Plaintiffs,

v.

ABBOTT LABORATORIES, FOURNIER
INDUSTRIE ET SANTÉ, and LABORATOIRES
FOURNIER S.A.,

Counterclaim Defendants.

C.A. NO. 02-1512 (SLR)

CONSOLIDATED

IMPAX LABORATORIES, INC.,

Counterclaim Plaintiff,

v.

ABBOTT LABORATORIES, FOURNIER
INDUSTRIE ET SANTÉ, and LABORATOIRES
FOURNIER S.A.,

Counterclaim Defendants.

C.A. NO. 03-120 (SLR)

CONSOLIDATED

IN RE TRICOR DIRECT PURCHASER
ANTITRUST LITIGATION

C.A. NO. 05-340 (SLR)

CONSOLIDATED

THIS DOCUMENT RELATES TO:
ALL ACTIONS.

STATE OF FLORIDA, et al.

Plaintiffs,

v.

ABBOTT LABORATORIES, FOURNIER
INDUSTRIE ET SANTÉ, and LABORATOIRES
FOURNIER S.A.,

Defendants.

C.A. NO. 08-155 (SLR)

**RESPONSE OF TEVA, IMPAX, AND DIRECT PURCHASER PLAINTIFFS
TO PLAINTIFF STATES' MOTION TO CONSOLIDATE**

Teva Pharmaceuticals USA, Teva Pharmaceutical Industries, Ltd., and Novopharm, Ltd. (Teva), Impax Laboratories, Inc. (Impax), and the Direct Purchaser Plaintiffs submit this response to Plaintiff States' Motion to Consolidate:

1. Teva, Impax and the Direct Purchaser Plaintiffs filed the claims presently at issue in the spring and summer of 2005. Given the amount of time that has elapsed since these claims' original filing, Teva, Impax and the Direct Purchaser Plaintiffs object strenuously to any action, including consolidation of the Plaintiff States' claims, that would delay the liability trial now set for November 3, 2008.

2. At the April 3, 2008 status conference, Abbott counsel said that Abbott and Fournier require further discovery from the Plaintiff States. (Hearing Transcript, April 3, 2008, at 51:16-25). Teva, Impax and the Direct Purchaser Plaintiffs take no position on the merits of Abbott and Fournier's argument. However, if the Court concludes that Abbott and Fournier are entitled to additional discovery from the Plaintiff States prior to any liability trial, then Teva, Impax and the Direct Purchaser Plaintiffs would be concerned about the effect this additional discovery might have on maintaining the November 3, 2008 trial date. To the extent that this additional discovery would be permitted and could cause a delay in the trial date, Teva, Impax and the Direct Purchasers object to the Plaintiff States' Motion to Consolidate.

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